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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,901	01/16/2004	Alex Zarenin	018638-04-0183	8477

7590
Daniel H. Golub
1701 Market Street
Philadelphia, PA 19103

12/13/2007

EXAMINER

WILSER, MICHAEL P

ART UNIT	PAPER NUMBER
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2195

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,901

Applicant(s)

ZARENIN ET AL.

Examiner

Michael Wilser

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-6 are pending in this application.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because several of the figures and all of the reference characters are hand drawn and when replicated make it difficult to make out words and numbers.. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "126" has been used to designate both other devices and database and reference character "402" has been used to designate both requests and signal thread.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 150 on page 6, paragraph 28, line 5.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 803 in Figure 8. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The use of the trademark HP OpenView and Visio has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

7. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (e.g. DNS, WINS, DHCP, SNMP, etc.) throughout the specification without first including a description in plain text, as required.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following claim language is vague or indefinite:

(i) As per Claim 1, lines 2-3 it is uncertain what the relationship is among active devices and worker threads (i.e. Each worker thread associated with one of the plurality of active devices?). Line 5 cites the limitation "capable". It is unclear as to what the applicant means by capable. Are different threads able and not able to do certain functions or are there two different classifications of worker threads in which only certain ones are capable of performing identical functions.

(ii) As per Claims 2 and 3, they cite the same limitation as Claim 1 above, therefore they have the same deficiencies as Claim 1 above.

(iii) As per Claim 3, lines 3-4 it is uncertain what is meant by "and a request for information about the active device". (i.e. Who is sending the requested for information? Who is receiving the request?) . Are worker threads sending request for information to active devices or are the active devices in response to the request for information sending information back to the worker threads.

(iv.) As per Claim 4, line 6, it is not clearly indicated where the "scripts" are located. (i.e. part of the program, in the active device, or stored somewhere else). It is not clearly understood what the function of the "scripts" is in identifying the active device (i.e. Certain customized language that is understood by the active devices having specific architectures?)

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by McNally et al. (US 6,549,932).

12. As per Claim 1, McNally teaches the invention as claimed including a method for identifying a plurality of active devices on a network (column 2, lines 15-18) comprising:

a. simultaneously issuing to the plurality of active devices, by each of a plurality of worker threads (discovery agents) (column 2, lines 40-41 & column 10, lines 40-45), a request for information (column 2, lines 20-23), wherein the information comprises an indication of the presence of the active device on the network (column 1, lines 10-12), and wherein all of the plurality of worker threads are capable of performing identical functions in response to the request for information (column 2, lines 40-42 & column 6, lines 49-57);

b. receiving, in response to the request, the information (column 3, lines 53-61);
and

c. storing the received information (column 3, lines 56-61).

13. As per Claim 2, it is a machine-readable medium claim of Claim 1, therefore, it is rejected for the same reason as Claim 1 above.

14. As per Claim 4, McNally teaches the invention as claimed including a method for identifying a plurality of active devices on a network (column 2, lines 15-18) comprising:

a. executing a program comprising issuing to each of the active devices one or more first requests for information comprising an indication of a presence of the device on the network (column 2, lines 15-23) and a device architecture (column 6, lines 66-67);

b. receiving in response to the first requests a response (column 2, lines 15-23);

c. identifying, based on the device architecture indicated in the response, one or more scripts that request additional information about the device, wherein the scripts are customizable and executed outside the program (column 6, lines 32-46, 64-67 & column 10, lines 6-29, 35-39);

d. executing the scripts (column 9, lines 18-22 & column 10, lines 40-44); and

e. receiving the additional information (column 7, lines 3-15).

15. As per Claim 5, it is a machine-readable medium claim of Claim 4, therefore, it is rejected for the same reason as Claim 4 above.

16. As per Claim 6, McNally teaches the invention as claimed including a computer system for identifying a plurality of active devices on a network (column 2, lines 15-18) comprising:

a computer, in communication with the network column 1, lines 10-15), that

i. executes a program comprising issuing to each of the active devices one or more first requests for information comprising an indication of a presence of the device on the network (column 2, lines 15-23) and a device architecture (column 9, lines 66-67);

ii. receiving in response to the first requests a response (column 2, lines 15-23);

iii. identifies, based on the device architecture indicated in the response, one or more scripts that request additional information about the device, wherein the

scripts are customizable and executed outside the program (column 3, lines 30-35 & column 9, lines 18-22);

iv. executes the scripts (column 9, lines 18-22); and

v. receives the additional information (column 3, lines 56-61); and

b. a storage device coupled to the computer that stores the response and the additional information (column 3, lines 56-61 & column 16, lines 10).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNally et al. (US 6,549,932).

19. As per Claim 3, McNally teaches the invention substantially as claimed including a computer system for identifying a plurality of active devices on a network (column 2, lines 15-18) comprising:

a. a computer that processes a plurality of request objects each comprising a representation of one of the active devices and a request for information about the active device (column 2, lines 17-18 & column 3, lines 34-35);

b. a manager object comprising a plurality of worker threads (discovery agents) (column 2, lines 41-44 & column 6, lines 49-57); wherein the manager object

i. receives each of the plurality of request objects (column 3, lines 56-61 & column 6, lines 49-57);

ii. organizes each of the received request objects (column 6, lines 49-57);

iii. distributes each of the received request objects to one of the plurality of worker threads, wherein all of the plurality of worker threads are capable of performing identical functions in response to the request for information (column 2, lines 40-41 & column 6, lines 49-57);

iv. receives asynchronously from each of the plurality of worker threads the request object after the request for information has been fulfilled (column 5, lines 55-63); and

v. organizes each of the received request objects after the request for information has been fulfilled (column 7, lines 53-58); and

c. a storage device coupled to the computer (column 3, lines 56-61 & column 16, lines 10).

20. However, McNally does not explicitly disclose that the request objects are placed in a request queue and a result queue. However, McNally does disclose that requests and results are placed into a list (column 5, lines 57-60).

21. It would have been obvious to one of ordinary skill in the art at the time of invention to have used either a list or a queue for organizing requests in McNally's invention. One would have been motivated to use either a list or a queue since both are capable of organizing data in a computer system in a easily manageable fashion and often can be used interchangeably in the computing arts.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Wilser whose telephone number is (571) 270-1689. The examiner can normally be reached on Mon-Fri 7:30-5:00 EST (Alt Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MPW
November 20, 2007

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